

MONTANA LEGISLATIVE HISTORY

Chapter 65 19 85

Bill H _____ S 59 Original bill & history C

H. Committee on State Administration

Hearing Date(s) Mar 05 ☒ C

_____ ☐ C

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Date Out Mar 05 ☒ C

S. Committee on State Administration

Hearing Date(s) Jan 18 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Jan 18 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

4/10 TRANSMITTED TO GOVERNOR
 4/12 SIGNED BY GOVERNOR
 CHAPTER NUMBER 459 EFFECTIVE DATE: 10/01/8

SB 58 INTRODUCED BY CHRISTIAENS
 MANDATORY SEATBELT USE

1/07 INTRODUCED
 1/07 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/22 TABLED IN COMMITTEE

SB 59 INTRODUCED BY TOWE
 ACCESSIBILITY OF PUBLIC BUILDINGS BY HANDICAPPED PERSONS

1/07 INTRODUCED
 1/07 REFERRED TO STATE ADMINISTRATION
 1/14 FISCAL NOTE REQUESTED
 1/18 HEARING
 1/18 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/19 FISCAL NOTE RECEIVED
 1/21 2ND READING PASS AS AMENDED 48
 1/23 3RD READING PASS 49

TRANSMITTED TO HOUSE
 1/24 REFERRED TO STATE ADMINISTRATION
 3/05 HEARING
 3/05 COMMITTEE REPORT-BILL CONCURRED
 3/07 2ND READING CONCURRED 92
 3/08 3RD READING CONCURRED 96

RETURNED TO SENATE
 3/12 SIGNED BY PRESIDENT
 3/12 SIGNED BY SPEAKER

3/12 TRANSMITTED TO GOVERNOR
 3/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 65 EFFECTIVE DATE: 10/01/8

SB 60 INTRODUCED BY MAZUREK
 REPLACE UNIFORM GIFTS TO MINORS ACT WITH UNIFORM TRANSFERS TO MINORS ACT

1/07 INTRODUCED
 1/07 REFERRED TO JUDICIARY
 1/23 HEARING
 1/23 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/25 2ND READING PASS 49
 1/28 3RD READING PASS 48

TRANSMITTED TO HOUSE
 1/29 REFERRED TO JUDICIARY
 3/07 HEARING
 3/08 COMMITTEE REPORT-BILL CONCURRED
 3/09 2ND READING CONCURRED 95
 3/12 3RD READING CONCURRED 99

RETURNED TO SENATE
 3/15 SIGNED BY PRESIDENT

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 18, 1985

The sixth meeting of the State Administration was called to order at 10 a.m. on January 18, 1985, by Chairman Jack Haffey, in Room 331 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 59: Senator Tom Towe, District 46, is the sponsor of this bill. This bill is a request presented by some important individuals who are concerned that the state is not doing enough to make sure that public buildings are accessible to handicapped people. Senator Towe said that the statute that requires changing is Section 50-60-201 MCA, located on page 2, line 10, "where practicable and feasible." This language is a way of saying if it is going to cost too much, we won't do it, and we should have some tougher standards for accessibility. Instead of the new language shown on the bill, Senator Towe said that it should read "Part II, Uniform Federal Accessibility Standards, as it reads in the Federal Register dated August 7, 1984" according to Phil Hauck, State Architect for the Department of Administration. Senator Towe further said that this bill does not affect existing buildings. He had originally intended this, but upon checking into the matter, he found that if this covered existing buildings, it would cost about 5 million dollars. He said it would be a good idea to bring our codes up to standard so it doesn't cost us that much later on to comply with the federal codes.

PROPOSERS: Representative Ray Peck, representing the Havre DAV, supports this bill. He felt the state was not meeting its obligations to handicapped people the way the code now reads.

Richard Clark, Clark's Orthopedics, supports this bill. He said that he talks to hundreds of handicapped people who run into this problem every day. (For more of Mr. Clark's testimony see Exhibit "A" attached hereto and by this reference made a part hereof.)

George Post, DAV and State, supports this bill. We feel that something should be done to allow handicapped people accessibility to these public buildings, even the existing ones.

Phil Hauck, State Architect and Department of Administration, supports this bill. He said this is the latest code and it should be on the books in the State of Montana. Please give this bill your favorable consideration.

Chip Erdman, Montana School Board Association, supports this bill.

January 18, 1985

Boyd Peterson, representing the Disabled Students of Montana State University, supports this bill. He said there are 350 disabled students at the Montana State University. It is important that we update our codes so they have access to the buildings.

OPPONENTS: There were no opponents.

Senator Haffey asked for questions from the Committee. Senator Harding said that she knows that according to a new federal law, polling places have to be accessible to handicapped people. Is this the same law? Senator Towe said no. He thinks they are separate. Senator Manning asked Phil Hauck, if there is a building that is in the process of being built, would this apply to this building? Mr. Hauck said that they have been using the federal codes, so they would already be in effect on buildings being built. Senator Haffey asked for clarification, and Mr. Hauck said yes, they were already using the federal codes and putting this in our codes would legitimize it. Senator Harding asked where in the statute it says it applies only to new buildings. Senator Towe answered that the first part of the statute refers to Section 60-50-101 which would clearly define that it affects only new buildings. Senator Hirsch asked if the October 7, 1984 standard is more or less stringent. Mr. Hauck replied that he received it just 4 days ago, and it is modeled after the ANSI Code. He said this was a better code--a good code. Senator Conover then asked if it would also be included in remodeling of buildings. Mr. Hauck replied yes. Senator Harding then asked Senator Towe if he would have a problem if they inserted newly constructed or remodeled buildings in the language of the code. Senator Towe replied that he would not have a problem with it, but it could conceivably alter other statutes and we should proceed with caution. Senator Haffey mentioned that line 16 read, "and as the Department may amend by rule.." is that the Department of Administration? Why is that there? Senator Towe replied that that is an out so that the Department of Administration can amend it without coming back to the legislature to ask for an amendment. Jim Campbell, Department of Administration, said no fiscal note was needed. Senator Towe then closed SENATE BILL 59.

During Executive Action, Senator Harding again raised the question regarding changing the statute to read newly constructed or remodeled buildings. Valencia Lane assured her that this would not be necessary as it is already spelled out in the other sections, and because new laws do not apply retroactively. Senator Manning made a motion that SENATE BILL 59 BE AMENDED as Senator Towe suggested. Senator Lynch called question and the amendment was passed unanimously. Senator Manning made a motion that SENATE BILL 59 DO PASS AS AMENDED, Senator Lynch called question and it was passed unanimously.

EXECUTIVE ACTION ON SENATE BILL 10: Chairman Haffey opened the meeting to discussion. Senator Farrell has reservations about this bill. He seemed to feel that the state of Montana has invested its money wiser than any other state because of this list of investments. He felt that the state should not be in the investment

DATE: January 18, 1985

COMMITTEE ON State Administration

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Walt M. Friedman	UM	SB 59		
Wm Smith	AS'm	59		
Phil Hauck	DEPT. OF ADMIN	59	✓	
JAMES KEMBEL	DCA	59		Information if Needed
W. K. Blawett	ASCU			
George Poston	DAV	59	✓	
Bob Bunt	MT. Ass. of Counties	59		
Bob Patterson	HS SUM	59	✓	
Ray Peterson	M.S.U.	59	✓	
Rep Ray Park	House	59	✓	
Bill Lannan	Mont Univ Syst	SB 59	✓	

(Please leave prepared statement with Secretary)

1-18-85

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STATE ADMINISTRATION COMMITTEE

TESTIMONY FOR SENATE BILL 59

INTRODUCED BY: SENATOR TOM TOWE

As a Certified Prosthetist-Orthotist, I deal with the handicapped and disabled citizens of our State. As a handicap equipment dealer, I deal with the problems this bill addresses. Therefore, I wish to testify in its behalf.

My company has dealt with handicap problems in Montana for 28 years. We have sold and installed handicap equipment for over 21 years. In the last three years we have seen a tremendous increase in the desire, on the part of the handicapped and owners, to eliminate the barriers in both private and public buildings. I have in my files 82 documented inquiries made to my company in 1984 for one product line alone. Thirty nine of those inquiries were for public access. Several were for schools and many were for churches. We logged thousands of miles this last year alone following up on these inquiries.

The handicapped citizens of Montana are expressing a desire to take part in society along with the rest of us and carry on every day living and business just as we do. Unfortunately we have made that desire nearly impossible to fulfill in the way we have designed buildings and structures.

There are methods with which we can overcome these obstacles. However, our State building codes need to be reviewed and upgraded so that they themselves are not a formidable obstacle in the path of progress for our handicapped citizens.

Until last May, we were almost totally prohibited by State building codes from installing any mechanical device for handicapped transport in a public building with the exception of standard elevators.

At that time Mr. Kembel of the building codes division tentatively accepted the newly revised A.N.S.I. elevator codes. These new codes allowed more freedom to use specific mechanical devices designed for handicapped use. Needless to say, this opened a whole new door for those people and organizations wishing to eliminate the barriers for the handicapped.

At this point as I and my representatives began to visit various locations to ascertain the feasibility of eliminating barriers, we discovered that even within the newly revised codes there were barriers.

Example 1:

A.N.S.I./A.S.M.E. Supplement A17.1b 1983

Rule 2000.7A Last sentence

"The travel shall not exceed 12 ft. (3.66 m) nor penetrate a floor."

What is of most concern to us is the clause against penetration of a floor. What this is saying is that we cannot go into an existing structure and cut a hole through the ceiling to allow a lifting device to pass from the lower floor up through the ceiling to the upper floor. The only alternatives are:

1. Install a device in an existing shaft way such as a stair well or light shaft.
2. Build a shaft structure on the outside of the building to house the device and pass through the wall at the various levels of desired access.
3. Install an expensive standard public elevator.

This little clause can make installations needlessly expensive, if not prohibitive.

Example 2:

Installation Costs:

1. Cost to build an outside structure to house a wheel-chair lifting device to travel from the basement to the main level with an intermediate stop at the ground level. \$24,000.00
2. Approximate cost to do the same installation using a floor penetration and staying within the existing structure. \$12,000.00
3. Minimum cost of a standard public elevator. \$40,000.00

To our inquiry at the Building Codes Division, we could not get a reasonable answer as to why such a restriction existed. This is just one example of several problems that we have experienced as a result of the regulations that now exist.

I therefore strongly support Bill 59 to eliminate restrictive unnecessary regulations, and encourage elimination of all barriers where possible in government buildings. I would also suggest some sort of time frame in which this action might be expected to be accomplished.

RICHARD L. CLARK, C.P.O.
President
Clark's Orthopedic Supply, Inc.
513 1st Avenue South
Great Falls, Montana 59401
452-8428

(This sheet to be used by those testifying on a bill.)

HHHHH D
1-18-85
SB-59

NAME: Boyd Peterson DATE: 1-18-85

ADDRESS: 101 E Blainegan Ct. Boteman, Mt.

PHONE: 587-3833

REPRESENTING WHOM? M.S.U.

APPEARING ON WHICH PROPOSAL: S.B. 59

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit C
1-18-85
SB-59

(white)
S.B. 59 Introduced by Sen. Towe

1. Page 2, lines 13 through 15.

~~Line 13 thru 15, Page 2, STRIKE AS FOLLOWS:~~

~~Following: "issued as" on line 13~~

~~Strike: Part III, Architectural and Transportation Compliance Board,
Minimum Guidelines and Requirements for Accessible Design, as it reads
on October 1, 1985, and...~~

Insert:

AND INSERT.

"
Part II, Uniform Federal Accessibility Standards, as it reads in
the Federal Register dated August 7, 1984,"

STANDING COMMITTEE REPORT

January 18 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL No. 59**

first reading copy (**white**)
color

ACCESSIBILITY OF PUBLIC BUILDINGS BY HANDICAPPED PERSONS

Respectfully report as follows: That **SENATE BILL No. 59**
be amended as follows:

1. Page 2, lines 13 through 15.

Following: "issued as" on line 13

STRIKE: "Part III, Architectural and Transportation Compliance Board,
Minimum Guidelines and Requirements for Accessible Design, as it
reads on October 1, 1985."

INSERT: "Part II, Uniform Federal Accessibility Standards, as it
reads in the Federal Register dated August 7, 1984."

AND AS AMENDED

DO PASS

DO NOT PASS

Chairman.

PROPOSERS: Carroll Krause, Montana University System, said that Carroll College is an asset to the state of Montana and encouraged the Committee's support.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE JOINT RESOLUTION NO. 5: There were no questions from the Committee.

Sen. Mazurek closed his presentation of SJR 5.

CONSIDERATION OF SENATE BILL NO. 59: Sen. Tom Towe, District #46, sponsor, said that this bill was introduced at the request of a number of handicapped persons he had talked to. The present law states that accessibility to public buildings for handicapped people be provided where practicable and feasible. This bill would strike "where practicable and feasible" and would insert on line 8 "any new" so it would pertain to new construction only. Originally, it was intended for all public buildings, however, to mandate the retrofitting of existing buildings would cost approximately \$300 million. The accessibility has been done in most cases but in order to ensure that it must be done the language on page 2, line 10 was stricken.

PROPOSERS: George Poston, Disabled Veterans of Montana, said this was a step in the right direction but said it didn't go far enough to take care of the existing buildings. He cited an example of one building where licenses must be procured which is not accessible to someone in a wheel chair. He said that something must be done in the future to bring these older buildings up to the new standards for these handicapped persons.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE BILL NO. 59: Rep. Harbin asked why "where practicable and feasible" was stricken. Sen. Towe said that he did not want the possibility to be present for anyone to go back to that language as a reason for not having to install ramps, etc.

Chairman Sales asked Sen. Towe if he had any kind of ballpark guess what these facilities would cost. Sen. Towe said if they are done from the design stage they should not cost that much more. Chairman Sales asked if this only applied to public buildings constructed with public funds. Sen. Towe said it would apply to any buildings constructed with public grants, funds, etc. but private buildings constructed with private funds would not be affected. Sen. Towe did not know of any regulations requiring public buildings constructed with private funds to install features for the handicapped. He also said if the counties and the state had to go back and retrofit existing buildings it would be an enormous cost.

The hearing was closed on SB 59.

The Committee then went into executive session for action on the preceding bills.

DISPOSITION OF SENATE BILL NO. 59: Rep. Nelson moved that SB 59 BE CONCURRED IN, seconded by Rep. O'Connell. The motion CARRIED UNANIMOUSLY. Rep. Fritz will carry the bill on the floor of the House.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 5: Rep. Cody moved that SJR 5 BE CONCURRED IN, seconded by Rep. O'Connell. Motion CARRIED UNANIMOUSLY. Rep. Cody will carry the bill.

DISPOSITION OF HOUSE BILL NO. 513: Rep. Phillips moved that HB 513 DO PASS, seconded by Rep. O'Connell.

Rep. Phillips moved ADOPTION OF THE AMENDMENTS, seconded by Rep. Nelson. The motion CARRIED.

Chairman Sales said he was concerned about the \$45,000 fee for architect and engineering and said that Rep. Cody had a good idea of donated time.

Rep. Harbin said he thought 25-30 acres would be sufficient at the present time. Those testifying said they had to have the master plan completed before the federal funds were requested but he didn't know if they had to have the complete physical structure completed at that time.

Rep. Garcia said he was against the bill in view of the money situation this session. He said he would like to vote for all of these bills but it cannot be done. Rep. O'Connell reiterated what Sen. Story had said, that they have been elected to represent the people who can't represent themselves.

Rep. Jenkins said that this would only be the first of the program. He wondered if they would be back next session to ask for a large appropriation as this is going to be on-going. Rep. Harbin said they would most likely be back in two years to ask for the \$250,000. He agreed that it is going to be expensive in the long run but it is going to have to be done sooner later and the longer they wait the more expensive it will be.

Rep. O'Connell moved that HB 513 DO PASS AS AMENDED, with Statement of Intent attached, seconded by Rep. Harbin. The motion CARRIED with Reps. Sales, Garcia and Cody voting "no".

DISPOSITION OF SENATE JOINT RESOLUTION NO. 8: Rep. Smith moved that SJR 8 BE CONCURRED IN, seconded by Rep. Jenkins. The motion CARRIED UNANIMOUSLY. The Chairman will check with Rep. Ellison and see if he will carry SJR 8.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/5/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	/		
V-Chairman Helen O'Connell	/		
Campbell, Bud	/		
Compton, Duane	/		
Cody, Dorothy	/		
Fritz, Harry	/		
Garcia, Rodney	/		
Hayne, Harriet	/		
Harbin, Raymond	/		
Holliday, Gay	/		
Jenkins, Loren	/		
Kennerly, Roland	/		
Moore, Janet			/
Nelson, Richard	/		
Peterson, Mary Lou	/		
Phillips, John	/		
Pistoria, Paul	/		
Smith, Clyde	/		

Please attach to minutes.

STANDING COMMITTEE REPORT

March 5

35

19.....

SPEAKER

MR.

STATE ADMINISTRATION

We, your committee on

SENATE

having had under consideration Bill No. **59**

Third

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..... reading copy (.....)
color

ACCESSIBILITY OF PUBLIC BUILDINGS BY HANDICAPPED PERSONS

SENATE

59

Respectfully report as follows: That Bill No.

BE CONCURRED IN

XXXXXX
DO PASS

VISITORS' REGISTER

COMMITTEEBILL NO. Sb 59

DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lauri Craig	Hobart		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.